

NOT FOR CITATION

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

11 ROBERT SCOFIELD,) No. C 10-05017 JF (PR)
12 Plaintiff,) ORDER OF TRANSFER
13 vs.)
14)
15 K. BALL, et al.,)
16 Defendants.)
17 _____)

18 Plaintiff, a state prisoner proceeding pro se, filed the instant civil rights action
19 pursuant to 42 U.S.C. § 1983, concerning the conditions of his confinement at R. J.
20 Donovan Correctional Facility (“RJD”) in San Diego County, Centinela State Prison
21 (“CEN”) in Imperial County, New Folsom State Prison (“NFSP”) in Sacramento County,
22 High Desert State Prison (“HDSP”) in Lassen County, Salinas Valley State Prison
23 (“SVSP”) in Monterey County, and Calipatria State Prison (“CAL”) in Imperial County.
24 Defendants K. Ball and C. Gray removed this action from Monterey County Superior
25 Court on November 5, 2010, (Docket No. 1), and Defendants M. Penner and J. Sherman
26 joined in the removal on November 22, 2010, (Docket No. 5).

27 RJD, CEN, and CAL are located in the Counties of San Diego and Imperial, both
28 of which lie within the venue of the Southern District of California. 28 U.S.C. § 84(d).

1 NFSP and HDSP are located in the Counties of Sacramento and Lassen, respectively,
 2 both of which lie within the venue of the Eastern District of California. Id. § 84(b).
 3 Lastly, SVSP is located in Monterey County which lies within the venue of this Court.
 4 Id. § 84(a). Because the acts complained of occurred in various Counties, most of which
 5 lie outside of this district, venue in this Court is not proper for this action. See 28 U.S.C.
 6 § 1391(b).

7 When jurisdiction is not founded solely on diversity, venue is proper in the district
 8 in which (1) any defendant resides, if all of the defendants reside in the same state, (2) the
 9 district in which a substantial part of the events or omissions giving rise to the claim
 10 occurred, or a substantial part of property that is the subject of the action is situated, or (3)
 11 a judicial district in which any defendant may be found, if there is no district in which the
 12 action may otherwise be brought. 28 U.S.C. § 1391(b). As a substantial part of the
 13 events or omissions giving rise to the claim occurred, and a substantial number of the
 14 defendants resides, in the Southern District, venue properly lies in that district. See 28
 15 U.S.C. § 1391(b).

16 Accordingly, this case is TRANSFERRED to the United States District Court for
 17 the Southern District of California. See 28 U.S. C. § 1406(a). The Clerk shall terminate
 18 any pending motions and transfer the entire file to the Southern District of California.

19 IT IS SO ORDERED.

20 DATED: 2/10/11



JEREMY FOGEL
United States District Judge

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UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

ROBERT SCOFIELD,

Case Number: CV10-05017 JF

Plaintiff,

CERTIFICATE OF SERVICE

v.

K. BALL et al.,

Defendants.

/

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on 2/22/11, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Robert Scofield P-14570
California State Prison - Corcoran
P.O. Box 3456
Corcoran, CA 93212

Dated: 2/22/11

Richard W. Wieking, Clerk